

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

LPA No. 1239 of 2018 (O&M)

Date of Decision: 14.08.2018

Phool Kumar

.....Appellant

versus

Superintending Canal Officer, Bhakra Water Services Circle, Kaithal

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Sherry K.Singla, Advocate, for the appellant.

KRISHNA MURARI, C.J.(oral)

This intra court appeal under Clause X of the Letters Patent has been filed by the appellant challenging the judgment and order of the learned Single Judge dated 13.12.2017 dismissing the writ petition filed by him.

2. The facts relevant for the purposes of this case in nut shell can be summarized as under:-

3. An application was made by respondent Nos. 4 and 5 alleging that the petitioner (appellant herein) has demolished the water course. Sub Divisional Canal Officer, Kaithal by means of an order dated 24.06.2017 allowed the application and directed for restoration of the temporary water course for a period of six months. Said order was passed after making the spot inspection by him and finding that the water course was demolished resulting into stoppage of irrigation. The order was challenged by the petitioner before the Divisional Canal Officer, Kaithal in appeal which was dismissed and further appeal filed by him was also dismissed by the Superintending Canal Officer, Bhakra Water Services Circle, Kaithal. Aggrieved the petitioner approached this Court by filing a writ petition.

4. Learned Single Judge finding that the impugned orders were passed by the authorities after being satisfied that the water course has been demolished and thus restored it for a period of six months, dismissed the writ petition.
5. Learned counsel for the appellant contends that the orders are against the existing spot situation and there already exists a water course through which the irrigation can be carried out.
6. The issue raised in the writ petition and being raised herein is a pure question of fact. The Fact Finding Authorities after making spot inspection and after being satisfied about demolition of the water course by the appellant-petitioner had passed the impugned order which has been upheld by the two authorities and the learned Single Judge of this Court. It is well settled that there is hardly any scope of interference in a finding of fact while exercising the powers conferred by Article 226 of the Constitution of India and the Letters Patent Appeal.
7. Besides above, the appeal is delayed by 197 days and the explanation submitted for condoning the delay does not appear to be sufficient and enough to condone the delay.
8. In view of the above facts and discussion, we do not find any reason to interfere with the impugned order. The appeal is devoid of merits and barred by limitation and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

14.08.2018
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√